

REGULATORY BRANCH MEMORANDUM 2004-02

SUBJECT: Wetland Delineations under Snow Cover

1. Purpose. To establish policy regarding wetland delineation procedures when snow cover is present.

2. Applicability. This applies to all actions in the Sacramento District.

3. References.

a. 33 CFR Parts 320-330, Regulatory Programs of the Corps of Engineers.

b. Corps of Engineers, Wetland Delineation Manual, Technical Report Y-87-1.

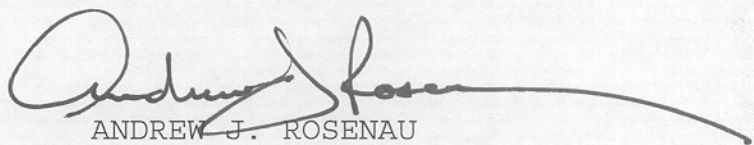
c. Sacramento District Minimum Standards for Acceptance of Preliminary Wetland Delineation, 30 Nov 2001 (as amended).

4. Background. The Corps of Engineers is responsible for identification and/or verification of waters, including wetlands, of the United States under Section 404 of the Clean Water Act. On occasion, a potential applicant may require identification of waters under less than ideal conditions. One such condition would be the presence of snow cover that renders the three-parameter approach to wetland identification difficult.

5. Policy. As a general practice, jurisdictional determinations will be discouraged under snow cover. Only if the potential applicant can show a pressing need for a determination will the Corps accommodate such a request. Additionally, the applicant must supply the Corps with all reasonably available corroborative information, including, but not limited to, quality aerial photography, environmental reports, and results of any previous wetland investigations.

If the Corps concurs that there is a pressing need and enough snow is present to obscure the presence of any one of the three wetland parameters (i.e., vegetation, hydrology and soils), the jurisdictional determination shall be based on the identification of upland areas. Investigation of soils and hydrology may not be practical since the ground may be frozen under these conditions. Therefore, the determination shall be based on positive identification of prevalent vegetative species. Prevalence determinations shall be done in accordance with the current wetland delineation methodology. If the majority of the prevalent species are determined to be facultative upland or upland species, in accordance with the appropriate regional wetland species list published by the U.S. Fish and Wildlife Service, and there is no compelling evidence to suggest wetlands may be present (e.g., a topographic depression), the area will be determined to be uplands (non-jurisdictional).

Personnel are cautioned that excessive snow cover may also render plant identification impractical. As such, case-by-case determinations will be necessary. All determinations shall be subject to verification after snowmelt.

A handwritten signature in dark ink, appearing to read "Andrew J. Rosenau", with a long horizontal flourish extending to the right.

ANDREW J. ROSENAU
Chief, Regulatory Branch